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C O N F I D E N T I A L SECTION 01 OF 02 BELGRADE 000202

SIPDIS

DEPT FOR EUR/SCE TROY PEDERSON

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TAGS: [PGOV](#) [PREL](#) [MW](#) [SR](#)

SUBJECT: MONTENEGRIN INDEPENDENCE REFERENDUM TALKS:
POLITICIANS START TO DISCUSS REQUIRED MAJORITY

REF: A. A) BELGRADE 0170

[1](#)B. B) 05 BELGRADE 2185

[1](#)1. (SBU) Summary: The pro-Independence and pro-Union blocs have started to focus on a definition of the majority required in the vote for independence, but remain far apart. Ambassador Polt's visit to Montenegro February 7-8 underscored USG support for a free and fair referendum, consistent with international and European standards, which would allow the voters to clearly decide between independence and continued union with Serbia. He also firmly and publicly supported the mediation efforts of EU Envoy Miroslav Lajcak, meeting with Lajcak privately three times. The next steps expected are the simultaneous adoption of a law to augment (but not detract from) the existing referendum laws and a political declaration to govern further consequences stemming from the referendum vote. Lajcak plans to put the EU bottom line on majority on the table Monday, February 13. End summary.

DEFINING VICTORY

[1](#)2. (SBU) In Ambassador Polt's meetings with both the pro-Independence (GoM) and pro-Union (opposition) blocs, the major issue was defining the majority required in the referendum vote for independence. PM Milo Djukanovic (DPS), President Filip Vujanovic (DPS), and Parliament speaker Ranko Krivokapic (SDP) uniformly rejected the possibility of requiring 55 percent of votes cast to approve independence. All said such a standard would be "absolutely and categorically unfair and non-democratic." They argued that in case independence won a majority of votes cast but not 55 percent, a minority would be allowed to dictate the results. Without supporting any specific percentage, the Ambassador nevertheless rejected the assertion, noting, for example, that the U.S. Constitution requires a 2/3 super-majority for amendments. Djukanovic and Krivokapic (in separate meetings) both railed against what they called "the unholy triumvirate" of EU DG Solana, Serbian PM Kostunica, and the Serbian Orthodox Church, all of whom oppose independence. They excluded Solana's envoy Lajcak from that criticism, noting they support his efforts and have found him to be a fair, if tough, interlocutor. Ambassador Polt reminded the GoM to listen to the EU on this issue.

[1](#)3. (SBU) Lajcak told the Ambassador that SaM President Marovic (DPS) has called the 55 percent requirement high, while admitting that no other formula would be acceptable to both blocs. Comment: Marovic's influence on the GoM is marginal, however. End comment. The large and influential NGO (and proto-political party) Group for Changes has publicly rejected the 55 percent requirement. President Vujanovic told Ambassador that if the 55 percent requirement is imposed, and the vote is between 50 percent and 55 percent, DPS would withdraw from all State Union bodies - ministries and parliament alike.

[1](#)4. (SBU) Predrag Bulatovic (SNP), leader of the opposition bloc, held firm to the opposition demand that independence must be supported by 50 percent plus one of all registered voters to be approved. He conveyed that same message privately to the Ambassador.

Draft Referendum Law

[1](#)5. (U) With the assistance of EU Envoy Lajcak, a draft law on the referendum has been prepared, supplementing current law with respect to technical issues including administration of the referendum, financing, conduct of the campaign, media coverage, international and domestic observation, and protection of the rights of citizens. A political declaration will be adopted at the same time as the law; a key element of the declaration is agreement that the results of the referendum will control subsequent decisions taken by the parties and members of parliament. (Ref B) Additionally, Lajcak has proposed that the campaign be 60 days in length; the GoM has wanted the legal minimum of 45 days, the opposition wanted 90 days (the legal maximum) to 180 days. The law does not address the required majority issue.

16. (SBU) The pro-Independence forces have already told Lajcak that they support the draft law. Lajcak told the Ambassador that he required of Bulatovic that the opposition give its answer quickly, in a matter of "hours." Bulatovic traveled to Belgrade late February 8 to "consult" with Serbian PM Kostunica and Serbian President Tadic and has since announced that he will not give his response until Monday, February 13. Lajcak noted that if the opposition decides not to vote for the law, the GoM has sufficient votes to pass it on their own. Moreover, said Lajcak to Ambassador, the EU would not consider passage of the law with only GoM votes to be a prohibited "unilateral" action.

17. (C) Responding to the Ambassador's question on the EU's bottom line on an acceptable majority, Lajcak noted in total confidence that depending on the closeness of the outcome to 55 percent, the EU would ultimately accept &close, but not quite.⁸
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